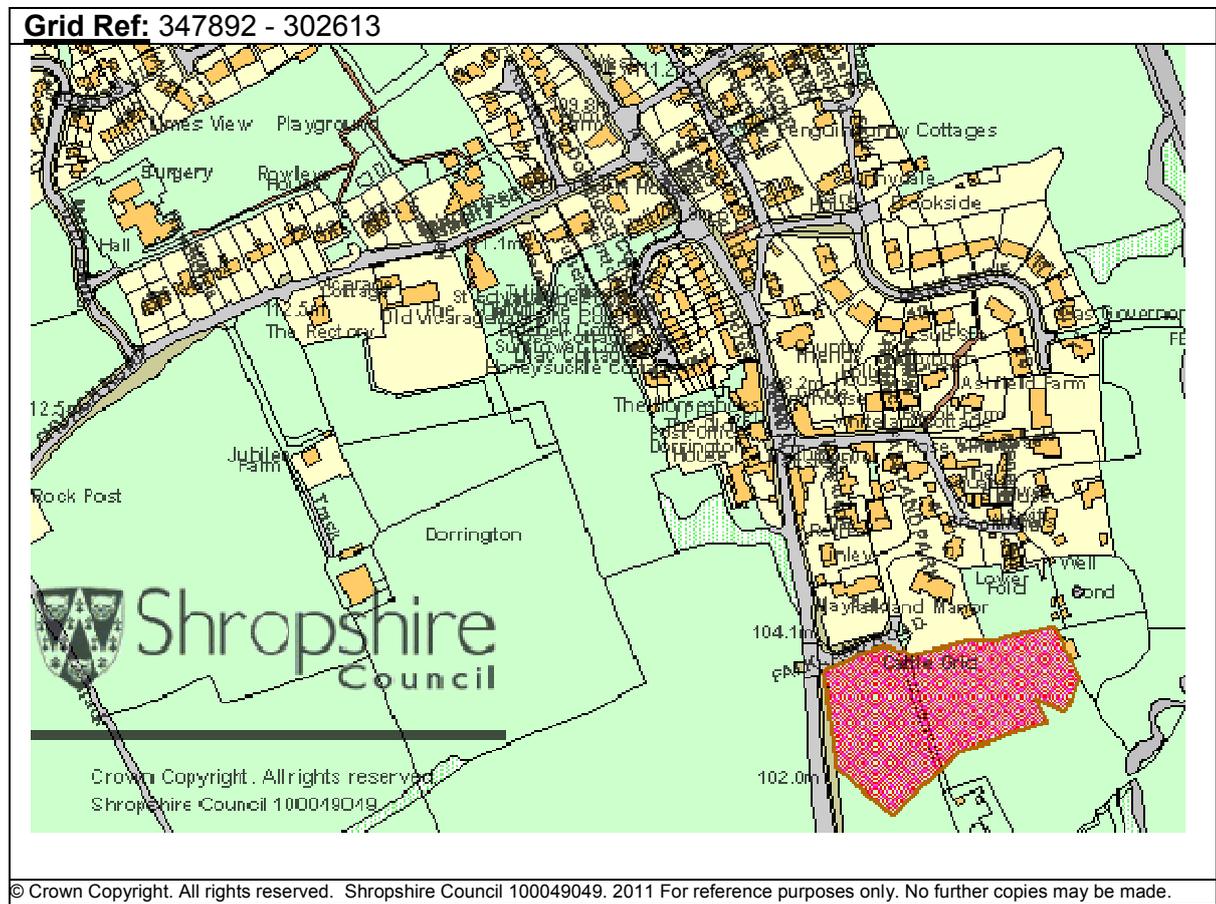


Development Management Report

Responsible Officer: Tim Rogers
email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 13/02776/OUT	Parish:	Condover
Proposal: Outline application for the erection of 19 dwellings to include access from Falkland Road (amended description).		
Site Address: Residential Development Site Land Off Falkland Road Dorrington Shrewsbury Shropshire		
Applicant: Severnside Housing Association And SJP Furniss		
Case Officer: Andrew Gittins	email: planningdmc@shropshire.gov.uk	



Recommendation:- Grant Permission subject to a Section 106 Legal Agreement to secure an affordable housing, public footway across 'Lower Fold' and to the conditions set out in Appendix 2.

REPORT

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise members on the potential reason for refusal of this application and to set out the associated risks with this decision for consideration by members.
- 1.2 In light of recent decisions the Council needs to ensure that there is a consistent approach in determining applications when the 'presumption in favour of sustainable development' comes into play due to a lack of 5 year land supply and the Councils adopted and emerging policies with regards to housing not being considered up to date.as outlined in paragraph 49 of the NPPF.
- 1.3 Where any proposed refusal reason may not be defensible if challenged, and may result in a costs claim by the applicant at appeal, the Constitution requires the Committee to review the refusal reasons with officer advice on their potential wording and risks associated with the decisions. The final decision on the application still rests with the Central Planning Committee.

2.0 BACKGROUND

- 2.1 Members considered this application at the Central Planning Meeting on 06 Feb 14 and resolved that planning permission be refused contrary to the Officer's recommendation for the following reasons:

1. The LPA consider that the proposed development does not represent a sustainable form of development.
2. The LPA consider that the proposed development would compromise pedestrian safety due to the increased traffic and inadequacy of the footpath.

The application was deferred from consideration at the 6th March Central Planning Committee to allow re-consultation on the amended plan including the proposed footway across Lower Fold, the additional consultee, Parish Council and local residents comments are included later in this report.

- 2.2 The provision of this alternative means of pedestrian access through Lower Fold as shown on the Revised Indicative Site Layout drawing received on the 20th February 2014 is considered to be a material consideration in the determination of this application. In addition it is considered that reasons 1. (sustainability) is not sufficiently robust and would not be defensible at appeal. The NPPF clearly advises within paragraph 14 of the NPPF that development considered to be sustainable should be approved unless ***'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against***

the policies in this Framework taken as a whole'. The members' reasons for refusal are considered below with an officer commentary.

3.0 OFFICER COMMENTARY

3.1 The proposed development does not represent a sustainable form of development

3.1.1 Sustainable development isn't solely reliant on accessibility and proximity to essential services with the NPPF outlining that it seeks to achieve '*positive growth – making economic, environmental and social progress for this and future generations*'. Paragraph 7 it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- ☐ *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- ☐ *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- ☐ *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

3.1.2 Section 6.2 of the Committee Report outlined why it was considered the proposal contributed to these three dimensions of sustainability and that the proposal did represent sustainable development. A balanced judgement has to be made and this judgement must be based on material planning grounds. The judgement is based on all three dimensions and if Members consider that the proposal will not provide economic, social and environmental benefits, or that the proposal does not jointly and simultaneously achieve the three dimensions of sustainability to an extent which renders the development unsustainable then Members will have to substantiate these in robust and defensible reasons for refusal. Any reason for refusal must also be able to demonstrate that any adverse impacts of approving the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

3.1.3 Economic – The Committee Report outlined that:

"The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting builders and building suppliers. The provision of more houses will also support

local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment and this will provide financial contributions towards infrastructure opportunities identified in the Place Plan.

3.1.4 Members did not debate the economic benefits of the scheme and did not provide any reasons why the proposal does not fulfil the Economic role of sustainability. If Members consider this to be the case then reasoned justification must be included in a robust and defensible reason for refusal.

3.1.5 Social – The Committee Report outlined that:

“Dorrington is a relatively large village with a range of essential services and facilities. Rural villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding villages. The NPPF positively encourages the siting of housing in rural settlements where it will support facilities in that and other settlements, thereby retaining services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. The size and mix of the proposed houses will not be submitted for consideration until the reserved matters stage of development. However the provision of an appropriate size and mix will help maintain the balance of housing stock within Dorrington resulting in a more balanced community.”

3.1.6 Members debated the suitability of the existing highway footpath along the A49 in respect of access to the services and facilities available in the village; the requirement to cross the A49 to access some of the services, namely the school, pub, play area and village hall; and the parking problems experienced outside the village shop. However it cannot be contested that this development will provide support for, and maintain the level of services and facilities available in the village and surrounding villages.

3.1.7 It is acknowledged that the proposal is outside the development boundary, is not a preferred option in the SAMDev process and is not therefore an aspiration of existing residents. However neither the existing housing land supply policy (SABC Policy HS3) nor emerging land supply policy (SAMDev) can be considered up to date and the application should be assessed on the grounds of sustainability and whether any adverse impacts of approving the scheme would significantly and demonstrably outweigh the benefits outlined above. Furthermore given Shropshire's undelivered housing the proposal is considered to contribute to meeting the housing needs of existing and future generations.

3.1.8 The proximity to the Severn Trent Sewage Pumping Station was acknowledged within the Committee Report and it was highlighted that neither Severn Trent Water nor Shropshire Council had any objection to the proposal. Whilst local residents and Members highlighted this as an area of concern at the Meeting, with regards to the consultee responses it is not considered that this would form a robust and defensible reason for refusal.

3.1.9 If Members consider that the proposal fails to fulfil the *Social* role of sustainable development then the reasons why must be sustained in a robust and defensible reason for reason.

3.1.10 Environmental - The Committee Report outlined that:

“The site is an agricultural field with no heritage, cultural or ecological designation. It is arable land with little ecological value with the only feature of any ecological value being a small length of mixed hedgerow on the Western Boundary that will be retained and enhanced with additional landscaping. The proposal would have no adverse impact on wildlife and the ecological value of the site will be improved by conditions requiring the provision of bat boxes and artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is accessible on foot, public transport or by a short car journey to the array of services, facilities and employment opportunities on the edge of Shrewsbury (Meole Brace) and in Shrewsbury and Church Stretton town centres.”

3.1.11 As noted, Members debated the suitability of the highway footpath and the existing traffic issues outside the village shop. However, notwithstanding Members views on the suitability of the footpath, the presence and potential use of the footpath to access services should not be discounted neither should the fact that the site is within a short car journey of a range of services and facilities. In addition following the Committee a footway has been secured over Lower Fold into The Fold which is subject to to a 30mph restriction. Members are therefore asked to give consideration to the provision of a footway which is a material consideration in the determination of the application. If Members consider that the proposal fails to fulfil the *Environmental* role of sustainable development then the reasons why must be sustained in a robust and defensible reason for reason.

3.2 The proposed development would compromise pedestrian safety due to the increased traffic and inadequacy of the footpath.

3.2.1 Following the Committee Meeting a 2 metre wide surfaced footway has been secured across a paddock in Lower Fold into Brookfield which adjoins the end of The Fold, an adopted highway subject to a 30mph speed restriction. Shropshire Council’s Highways Development Control Officer has confirmed that whilst the section at the end of The Fold, referred to as Brookfield is not adopted highway, it is on the National Street Gazetteer so the public have a right to pass and re-pass which would allow them access to the proposed footway. The footway will provide an alternative means of pedestrian access to the services and facilities in the village for both the 19 dwellings proposed and 6 dwellings off Falklands Road / Falklands Park. It is acknowledged that this doesn’t resolve the objection about having to cross the A49 to access the school, play area, pub and village hall. However this is an existing situation for the occupants of properties east of the A49 and similarly for the occupants of properties living on the west accessing the butcher, shop, business park and restaurant. SC Highways in their consultation response on the 6th February Committee Report, have noted that the Highways Agency are planning the installation of a pedestrian crossing in the centre of the village which Shropshire Council Highways Development Control have installed a

feeder pillar for the electricity supply. It should be noted that this isn't considered by Officers to be a requirement of this permission and would not represent a sustainable and defensible reason for refusal. As such, the provision of the alternative means of pedestrian access is a material consideration in the determination of this application and Members and the reason for refusal on these grounds should be refused.

4.0 REPRESENTATION

4.1 Conover Parish Council (21st February 2014 by email): "Thank you for the update; the Parish Council will require additional information/assurance that the said footpath across the field is :

- A proper public pavement; meet the proper standard for a pedestrian footway; be hard surfaced, well drained and sufficiently wide enough allowing for safe passage for pedestrians and prams etc.
- Possibly be lit to ensure safe passage and access can be guaranteed at all times of the day, including when there is poor natural light.
- Be maintained to an appropriate standard and by whom to ensure it is fit for purpose and does not become a hazard? General annual maintenance; snow clearance etc.
- A legally viable option; and that necessary permissions have been gained from land owners to allow its installation by the applicant.
- A financial viable option; given the above considerations and length of the path.
- Definitions of a footway which runs along a carriageway and a footpath which is used for walking are very different.
- In addition to the pedestrian access issue (along the narrow footway which borders the A49) please ensure that the Committee is made fully aware of the other sustainable issues which have been highlighted and are again briefly summarised below:
- Unsafe vehicle access to and from the A49 from the proposed development site especially turning north; towards Shrewsbury and the centre of the village.
- No safe crossing currently exists for pedestrians enabling safe passage across the busy A49 trunk road dissecting the village Services such as the school, village hall and doctors surgery are located on the north western side of the village which will be difficult to access from the development.
- Parking issues and restrictions exist in the village. These will be exacerbated by this development.
- Access to the Severn Trent sewage works.
- The development of the site will create an unwanted ribboning effect of elongating the village to the south; and also open the door to further development of this site and sites on the opposite side of the A49 carriage way. This focuses on moving people away from the central village amenities which are given as the reasoning for the development's sustainability. Whilst the the PC's SAMDev submission concentrated on central village amenities and the needs of its residents."

4.2 In total letters of objection have been received from 27 households raising the following points:

- Principle of development outside of development boundary
- SAMDev process has identified preferred sites closer to school, doctors, shop, pub and recreation ground in the village centre.
- Density and character
- Highway and pedestrian safety (narrow footpath)
- Impact on local school places
- Right of way to sewage treatment works (south) and orchard (east) should be maintained
- Flooding
- Health and safety implications (odour and flies) on residential amenities of proposed properties from sewage works, not addressed in SC Public Protection Officers additional comments.
- Proposed footway through Lower Fold is further away from village amenities and residents will use shortest route (along A49) which is unsafe.
- Proposed footway is only an alternative route to the A49 footpath which is considered dangerous.
- Proposed footway exits on to very narrow single track road which will put pedestrians in conflict with traffic on a road which is used by traffic entering and exiting properties off lower fold including break down vehicles for Dorrington Garage and service vehicles (Refuse Emergency Services etc) There is no footpath running along side this road and there is no room for both traffic and pedestrians to pass which again though less traffic usage is just as dangerous.
- The road (being used as a footpath) is unlit.
- The footpath does not answer the other objections raised by the PC.
- The footpath egresses on to a private road for which no ownership is identified on the Land Registry, without the owners permission access would be trespassing.
- The latest proposal affects more residents in Dorrington living along Lower Fold. These residents need to be consulted about this new proposal.
- Request to attach photographs which could not be uploaded on the Online Planning Register.
- Forty five page DEFRA Report in respect of development adjacent to Sewage Treatment Works which all UK Council's including SABC contributed to.
- Evidence should be submitted to demonstrate that houses are needed in Dorrington above the number and outside the locations proposed in SAMDev.
- Development is unplanned, unsustainable and not required.

4.3 Shropshire Council Public Protection (additional response 3rd March 2014):

Having carried out a site visit I am of the opinion that although some noise is noted from the sewage treatment process it is far outweighed by the dominant noise source in the area which is vehicles on the A49. Further more it is noted that properties will be situated back from the sewage treatment works. As a result this noise source is not anticipated to exceed threshold limits which would indicate that further assessment is required or that mitigation may be necessary.

With regard to odour although the site visit was undertaken on a cold day there was very little wind and therefore little natural dispersion of any odours produced at the sewage treatment plant. No odour was noted from the plant at any time while on site. It may be the case that odour is noted from time to time in the general area however any future occupant would be aware of this as the sewage works is and will remain visible when entering the site.

As a result I have no objection to this development. I do however propose the attachment of a condition requiring the installation of electric vehicles charging points should this application be granted approval; this is not a statutory requirement so has been attached as an informative.

5.0 CONCLUSION

5.1 The purpose of this report is to advise the Committee of the likely implications of refusing this application and the reasons for refusal. The final decision rests with the Central Planning Committee. The officer's original report attached as Appendix 1 still stands and the officer's recommendation to members is to grant permission subject to the conditions set out in Appendix 2 and a s106 Agreement to secure affordable housing provision and footway over Lower Fold into The Fold. However it is accepted by officers that this is a balanced decision where a judgement has to be made and if members on balance resolve to refuse the application it is recommended that any reason for refusal should relate specifically to either:

1. why members consider that this site is not a sustainable location and why the proposal represents unsustainable development having regard to the three dimensions of sustainability (economic, social and environmental) outlined in paragraph 7 of the NPPF and / or
2. whether there are any adverse impacts of approving the proposal that members consider would significantly and demonstrably outweigh any benefits

7.0 Risk Assessment and Opportunities Appraisal

7.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a)

promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

7.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

7.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

8.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

9. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS1 – Strategic Approach
CS2 – Shrewsbury Development Strategy
CS4 – Community Hubs and Community Clusters
CS5 – Countryside and Green Belt
CS6 – Sustainable Design and Development Principles

CS9 – Infrastructure Contributions
CS11 – Type and Affordability of Housing
CS17 – Environmental Networks
CS18 – Sustainable Water Management

SUPPLEMENTARY PLANNING DOCUMENTS

Type and Affordability of Housing
Sustainable Design (Part 1)

RELEVANT PLANNING HISTORY:

No relevant planning history.

10. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)
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Cllr M. Price

Local Member

Cllr Tim Barker

Appendices

APPENDIX 1 – Report to Committee Thursday 6 th February 2014

APPENDIX 2 – Conditions

APPENDIX 1

Committee and date
6 th February 2014

Item
Public

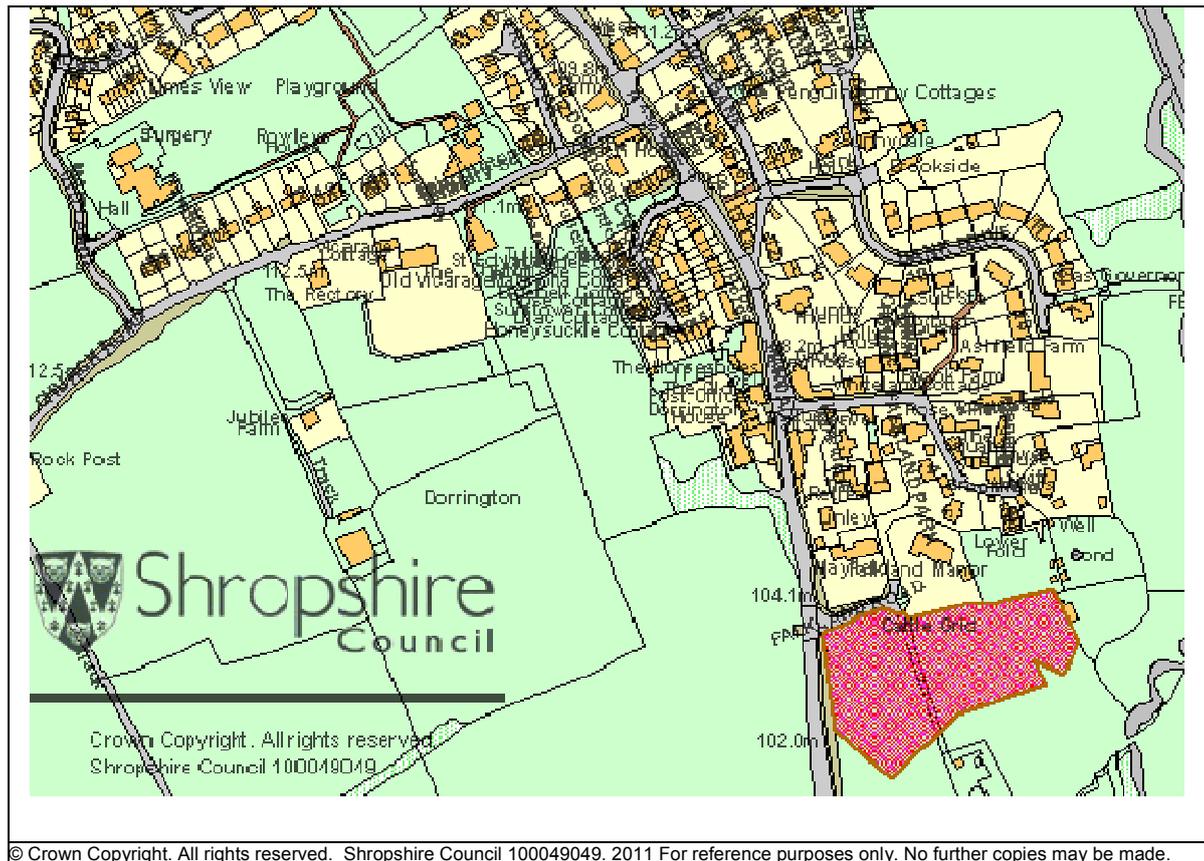
Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619**Summary of Application**

<u>Application Number:</u> 13/02776/OUT	<u>Parish:</u>	Condover
<u>Proposal:</u> Outline application for the erection of 19 dwellings to include access from Falkland Road (amended descripton).		
<u>Site Address:</u> Residential Development Site Land Off Falkland Road Dorrington Shrewsbury Shropshire		
<u>Applicant:</u> Severnside Housing Association And SJP Furniss		
<u>Case Officer:</u> Andrew Gittins	<u>email:</u> planningdmc@shropshire.gov.uk	

<u>Grid Ref:</u> 347892 - 302613



Recommendation:- Grant Permission subject to a Section 106 Legal Agreement to secure the affordable housing and subject to the conditions set out in Appendix 2.

REPORT

1.0 THE PROPOSAL

1.1 The proposal is an outline application for the erection of up to a maximum of 19 dwellings to include access from Falkland Road. The level of on-site affordable housing would be determined by the prevailing rate at the time of the submission of the reserved matters. For indicative purposes based on the current prevailing rate of 15% the scheme would provide 2 affordable units on-site and commute a financial contribution for the outstanding 0.85 of a unit which equates to £76,500.

1.2 The application is a departure from the Development Plan and has been advertised in the Shropshire Star on the 24th December 2013 for a minimum period of 21 days in accordance with the statutory requirements.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located to the south of the village of Dorrington. The site is bound by Falklands Road, the residential property of Falkland Manor and two paddocks to the north, countryside and a Sewage Works which would be accessed through the

site to the east and south and the A49 trunk road to the west. There are three residential properties approximately 70 metres to the south of the amended site boundary.

- 2.2** The site is located immediately adjacent, but outside of the Dorrington Village Development Boundary as defined by the Inset Proposals Map which forms part of the SABC Local Plan and saved Policy HS3: Housing in Villages with Development Boundaries. The site has not be included in the Dorrington Village Design Statement (last updated July 2012) and the site has not been included as a Preferred Option in the Site Allocations and Management of Development (SAMDev) Plan in which Dorrington is being proposed as a Cluster with Stapleton and Conover.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1** Conover Parish Council have submitted a view contrary to officers recommendation for approval based on material planning reasons that cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager and Principal Planning Officer in consultation with the committee chairman, vice chairman and the Local Member agree that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

4.1 Consultee Comments

- 4.1.1 Conover Parish Council (response to amended plans):** There is no change to Conover Parish Council's original response to this application as the reduction in houses makes no difference to the application.

Original response: Conover Parish Council opposes the application as it is outside the development boundary put forward in its SAMDev response to Shropshire Council.

The land has not been included as local people opposed the ribboning effect of this type of expansion in Dorrington as expressed at its public consultation events in 2010 and 2012.

14 January 2014:

Further to the Parish Council's earlier responses opposing this proposed development; the Parish Council would like to make the following comments and reiterate the planning reasons which support that the development's site is unsustainable and strongly opposed by the Parish Council and its Community:

The Parish Council and Community are disappointed that Shropshire Council are unable to give significant weight to the widely consulted upon SAMDev submission made by the Parish Council as part of Shropshire Council's Draft Core Strategy. The submission was arrived at through extensive public consultation which began in 2010 and has involved many public meetings since. These have been well attended by its Community; and supported by SC planning officers; SC councillors and parish councillors. This represents a belief in "Localism"; planning from the bottom up and a huge investment in people's time, and resource which should not be overlooked.

This site was considered initially in this process and not selected as it was deemed to be less suitable than other potential development sites, particularly given the following sustainability issues based on poor access and inappropriate location:

- Unsafe vehicle access to and from the A49 from the proposed development site especially turning north; towards Shrewsbury and the centre of the village. (Note no professional traffic study supports the planning application.)
- Inadequate pedestrian access along the A49, a major and busy trunk road. A very narrow and dangerous pavement exists to the village centre; with its central services which include bus stops; school, small shop; pub; doctors; village hall etc. (Note: Improvements to the existing pavement were pursued in 2009 by the Parish Council with the Highways Authority and deemed then to be too expensive to introduce; therefore with current funding issues no improvements can be expected.)
- Services such as the school, village hall and doctors surgery are located on the north western side of the village which will be difficult to access from the development. This will create a ribboning effect of elongating the village to the south; focuses on moving people away from the central village amenities which are given as the reasoning for the development's sustainability. This is misleading; given there are alternative more central proposed development sites within the SAMDev submission and Village Design Statement.
- Parking restrictions exist in the village which has many parking issues. These will be exacerbated by this development, as residents unable to walk to the central amenities will of course resort to using their vehicles.

These issues question the proposed development's sustainability and support why local people with local knowledge discounted it in 2010. The alternative sites put forward on the Parish Council's SAMDev response are preferred as they have clear advantages over this site. The Parish Council would recommend that Committee members revisit the site and walk along the existing pedestrian footpath from the Falklands to the central village amenities; preferably around 8.30 am or 3.30 pm when school children are expected to make the journey.

The Dorrington's Village Design Statement is robust and detailed; identifying two development areas within the village boundary and central to village services providing the potential to build 30-32 additional homes which will meet the economic and social needs of the village. Dorrington's Village Design Statement is a Community led planning statement about development taking into account sustainability and the village's future with a vision of enhancing and improving the way in which local people live; why ignore it?

The Parish Council trusts these comments will be considered before a planning decision is made should the application be heard by the SC Planning Committee on 6th February 2014; the Parish Council wishes to request to speak against the application at the Committee meeting and will be represented by the Chairman of Conover Parish Council Councillor Mr AR Tudor.

The Parish Council and the residents of Dorrington have highlighted this issue to its fellow Shropshire town and parish councils, Shropshire councillors and its MP as the implications of being unable to place reliance on its SAMDev submission will have a significant impact on all town and parishes in Shropshire.

- 4.1.2 Highways Agency:** The site is located adjacent to the east of the A49, on the southern periphery of Dorrington. Access is from Falkland Road (cul-de-sac) via the junction with the A49.

The existing Falkland Road/A49 access has been assessed in accordance with TD 41/95 and found to be sufficient to accommodate the number and type of vehicles anticipated to be generated. From a 4.5 metre set back, visibility is achievable to the north and subject to the periodic trimming of the hedge also from the south. There are no other significant safety issues at the junction.

- 4.1.3 SC Rights of Way:** Footpath 40, Conover will be directly affected by the proposals and will need to be taken into consideration when processing this application. The line of the path is shown on the attached 1:1250 scale plan. The footpath abuts the northern boundary of the site as detailed on the location plan, and then turns south easterly to run through proposed plot 24 and across the access road and continuing through plots 22, 21, and 20. The path will require a legal diversion by the applicants prior to work commencing on site and the applicants should contact the Outdoor Recreation Team for further information. It is also noted that the footpath runs along what will be the access to the development - from Falkland Road then crossing the existing access to the sewage works and an increase in traffic accessing the development may impact on the safety of users of the route.

- 4.1.4 Ramblers Association:** No response received.

- 4.1.5 SC Highways:** The highway authority raises no objection to the granting of consent subject to the attachment of a condition and informative.

Key Issues

The local highway authority notes that the Highways Agency has no objection to the development gaining its access off Falkland Road, on to the adjacent A49 trunk road network. We support this statement and are also of the opinion that both the proposed local access off the existing Falkland Road turning head and the trunk road junction are sufficient for the additional traffic loading from the proposed development.

The development will be connected to Dorrington Village via the existing footway on the east side of the A49. This footway does become narrow when entering the village, however widening works here are prevented by the adjacent buildings. Shropshire Council are actively promoting the construction of a signal controlled pedestrian crossing point in Dorrington Village in order to address the severance caused by the trunk road. We understand that the Highways Agency are looking to construct a crossing point on the A49 in the mid-term future.

As this is an outline application the exact internal site layout is to yet to be determined, however in principal the indicative layout provided appears to show an acceptable road layout and level of parking provision throughout the site.

4.1.6 SC Ecology:

Bats

Trees to the south of the site, along the Crossbrook will not be removed. These are mature willow and alder trees which Greenscape Environmental Ltd (2013) consider to have potential for bat roosts. The suggested condition and informative should be on the decision notice.

Great Crested Newts

Two ponds within 250m of the proposed development have been assessed by Greenscape Environmental Ltd (2013) for their potential to support great crested newts. One pond is beyond a fast flowing brook which is deemed to be a barrier for great crested newts so no further assessment was made. The second pond was assessed using Natural England's Habitat Suitability Index and scored 0.31. This indicates that the pond has poor potential to support breeding Great Crested Newts. No further survey work is required. The suggested informative(s) should be on the decision notice.

Badgers

Evidence of an outlying badger sett as observed in a hedge 100m to the east of the site and a latrine and tracks were recorded. The suggested informative should be on the decision notice.

Nesting birds

The site has the potential to support nesting birds and the suggested condition and informative should be on the decision notice.

4.1.7 SC Drainage: *Officer Comment: Initial site area exceeded 1 hectare and a Flood Risk Assessment was required, however as the amended site area has been reduced to site less than 1 hectare there is no longer a requirement for an FRA and a standard condition requiring the submission of drainage details with the reserved matters application has been attached to the recommendation.*

4.1.8 SC Affordable Housing: *Officer Comment: Initial comments no longer application as these related to the original scheme for 14 open market and 14 affordable dwellings. The amended scheme now proposes 19 dwellings with the affordable housing contribution determined at the time of the submission of the reserved matters.*

4.1.9 SC Public Protection: It is noted that there is a sewage works in close proximity to the site. The plan shows that the proposed houses will not be built in close proximity to this installation and therefore this service is satisfied that noise does not need to be assessed. Odour may be noted from time to time but this is not expected to have a significant detrimental effect on the occupiers of the proposed dwellings.

In order to make the properties ready for EV charging point installation isolation switches must be connected so that a vehicle may be charged in the garage or driveway. A suggested condition is therefore proposed should this application be granted approval.

4.1.10 Severn Trent Water: No objection subject to attachment of a condition requiring the submission of foul and surface water drainage details and an informative advising that there is a public sewer located within the application site and that these have statutory protection.

4.2 Public Comments

4.2.1 24 letters uploaded onto the Online Planning Register at time of sending the report to publication (28th January 2014) objecting to the proposal on the following grounds:

- Principle of development outside of development boundary
- SAMDev process has identified preferred sites closer to school, doctors, shop, pub and recreation ground in the village centre.
- Density and character
- Highway and pedestrian safety (narrow footpath)
- Impact on local school places
- Right of way to sewage treatment works (south) and orchard (east)

- should be maintained
- Flooding
- Impact on residential amenities of proposed properties from sewage works

5.0 THE MAIN ISSUES

Principle of development

Sustainable Development

Siting, scale and design of structure

Highway / Pedestrian Safety

Impact on local and residential amenities

Surface Water Drainage / Flooding

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that '*Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise*'.

6.1.2 With regards to housing development paragraph 49 of the NPPF states that:

'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

and that

'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

6.1.3 Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD. The SAMDev DPD is at the 'Revised Preferred Options' stage and paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, where significant weight can be attached.

- 6.1.4** The site is located immediately adjacent, but outside of the Dorrington Village Development Boundary as defined by the Inset Proposals Map which forms part of the SABC Local Plan and saved Policy HS3: Housing in Villages with Development Boundaries. The site has not been included as a Preferred Option in the Site Allocations and Management of Development (SAMDev) Plan in which Dorrington is being proposed as a Cluster with Stapleton and Condover, with a two allocated housing sites providing 30 houses. These allocations would be delivered on land at the rear of the Old Vicarage (DOR017) added at the Revised Preferred Options Stage July 2013 and land off Forge Way (DOR004) with up to a further five dwellings delivered on windfall sites inside a proposed development boundary, which this proposals falls outside.
- 6.1.5** As such allowing this proposal would therefore be contrary to the emerging SAMDev DPD as the target number of 35 houses would be exceeded by 14. However in the absence of a five year land supply a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is a significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Dorrington.
- 6.1.6** The site was considered in the Village Design Statement for Dorrington (Updated July 2012) which selected the area's most suitable for development in Dorrington between 2010-2026 as informed from the Parish Plan and from community consultation events.

The Detailed Findings sections drew the following conclusion about the allocation of this site for light commercial use:

"This area of land went out for consultation as having the possibility to offer light

commercial potential. It is clear from consultation that employment land is not a priority in Dorrington so there is a lack of evidenced need. It was noted that there are a number of units available for rent at the existing Business Park and a tendency to work from home. There were concerns about safe access on to the A49 here, especially for larger commercial traffic. Developing this site would have the effect of ‘ribboning’ the village – stretching it out – and therefore taking residents/workers further from the village centre. This area has been removed from the village design statement as potential development land for Dorrington.”

6.2 Sustainable Development

6.2.1 The site (DOR001 – Land to the South of Dorrington) was submitted for consideration in the Background Evidence: Dorrington Housing Sites Assessment and progressed to Stage 2a Assessment with the site meeting the following criteria;

- Bus stop on a route which has a service on 5 or more days, within 480m of site boundary. (480m is the average distance walked in 10 minutes and is derived from the Accessibility Standards set out in Shropshire Council’s PPG17 Study)
- Primary school within 480m of site boundary.
- The site is classified as a Grade 3 agricultural (good to moderate quality).

6.2.2 As such the proposal progressed to the Stage 2b Assessment which summarises that:

“The site is greenfield land, in agricultural use, located on the southern edge of Dorrington, adjacent to the A49. The Stage 2a assessment (sustainability appraisal) scores positively for access to bus transport, access to a primary school, low level of flood risk and access to 1 out of five key amenities and facilities. However, the site scores negatively for access to 4 out of five key amenities and facilities and the site is grade 3 agricultural land. The site is neutral for all other sustainability appraisal objectives.

Whilst the sustainability appraisal provides a relatively good overall assessment of the site, it is located in a prominent location on the approach to Dorrington and abuts the sewage treatment works. Access could be obtained via Falklands Road, although it is not clear as to whether significant additional turning movements onto the A49 at this point would be supported by the Highways Agency. The site is of a size that could potentially accommodate significant development. The Parish Council has not identified this site a preferred option for development in its Village Design Statement or supported a scale of development necessitating a site of this overall size. Having regard to these considerations, whilst the site is considered to be a realistic option to accommodate some limited development, it is not considered suitable to identify as a preferred option for housing development.”

6.2.3 Dorrington is a relatively large village with a population of circa 600 (2011) situated 7 miles to the south of Shrewsbury Town Centre and 7 miles to the north of Church Stretton Town Council. The village has a range of services and facilities including a small industrial estate, primary school, village shop, Post Office, butchers, restaurant, two pubs, doctors surgery, recreation ground, church and village hall. Whilst it is acknowledged that some of these services and facilities are on the opposite side of the A49 as noted in the Shropshire Council Highways DC response there are plans to install a pedestrian crossing. In addition employment opportunities are available at 'Fishing in Shropshire' (Church Road), Netley Hall, MiPower and Bulkrite Ltd. A regular bus service operates weekdays between 07.51 and 18.41 to and from Shrewsbury on approximately an hourly basis. As such it is considered that there is an array of essential services and employment opportunities both within Dorrington and within the areas of Bayston Hill, Meole Brace, Shrewsbury town centre to the north and within Church Stretton to the south all of which are accessible by sustainable means of public transport. Dorrington is therefore considered to be a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.

6.2.4 Sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it as '*about positive growth – making economic, environmental and social progress for this and future generations*'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- ② *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- ② *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- ② *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

6.2.5 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of more houses will also support local businesses as future occupiers will access and use

local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment and this will provide financial contributions towards infrastructure opportunities identified in the Place Plan which includes the pedestrian crossing.

6.2.6 Social role – Dorrington is a relatively large village with a range of essential services and facilities. Rural villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding villages. The NPPF positively encourages the siting of housing in rural settlements where it will support facilities in that and other settlements, thereby retaining services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. The size and mix of the proposed houses will not be submitted for consideration until the reserved matters stage of development. However the provision of an appropriate size and mix will help maintain the balance of housing stock within Dorrington resulting in a more balanced community.

6.2.7 Environmental role – The site is an agricultural field with no heritage, cultural or ecological designation. It is arable land with little ecological value with the only feature of any ecological value being a small length of mixed hedgerow on the Western Boundary that will be retained and enhanced with additional landscaping. The proposal would have no adverse impact on wildlife and the ecological value of the site will be improved by conditions requiring the provision of bat boxes and artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is accessible on foot, public transport or by a short car journey to the array of services, facilities and employment opportunities on the edge of Shrewsbury (Meole Brace) and in Shrewsbury and Church Stretton town centres.

6.2.8 On balance, taking into account all material planning considerations it is considered that Dorrington is a sustainable location having regard to the three dimensions of sustainable development and that it is a village that can accommodate the additional dwellings over and above the 35 put forward by the Parish Council and local residents as part of SAMDev, subject to a satisfactory scale and design appropriate and proportionate to the size and character of the village.

6.2 Siting, scale and design of structure

6.2.1 The appearance, landscaping, layout and scale have been reserved for later approval. However, the application has been submitted with an indicative Block Plan which in Officers opinion demonstrates that the site is considered to be of a sufficient size to accommodate up to a maximum 19 dwellings at an appropriate density in keeping with the local context and character of the layout of properties on Falklands Road which in turn is reflective of the character of Dorrington village.

6.2.2 Within the Village Design Statement Condover Parish Council considered that developing this site would have the effect of 'ribboning' the village – stretching it out – and therefore taking residents/workers further from the village centre. Accordingly

the development of this site for light commercial use was removed from the village design statement as potential development land for Dorrington. However, the site area has been amended to reduce the numbers from a maximum of 28 to a maximum of 19 with the boundary being brought closer towards the village. The indicative block plan illustrates a substantial roadside hedge to the western boundary with the A49 which would be reinforced with structural planting minimising views from the highway. The amended site plan reduces the length of the western boundary with the A49 to approximately 50 metres, which in conjunction with the substantial roadside hedge and structural planting is, in Officers professional opinion, considered to result in a development which would not result in an unacceptable elongation of the village and is therefore supported on these grounds.

6.3 Highway and Pedestrian Safety

6.3.1 The Parish Council and local residents have expressed concern about highway safety as a consequence of the increased traffic and pedestrian safety in respect of the width of the public footpath running along the western side of the A49. This has been taken into account by Shropshire Council's Highways Development Control Officer who has noted that the Highways Agency has no objection to the development gaining its access off Falkland Road, on to the adjacent A49 trunk road network. SC Highways support this statement and are also of the opinion that both the proposed local access off the existing Falkland Road turning head and the trunk road junction are sufficient for the additional traffic loading from the proposed development. The Highways Officer has noted that the development will be connected to Dorrington Village via the existing footway on the east side of the A49. The Parish Council and local residents have expressed concern about the narrowness of this footpath when entering the village. This pinch point has been acknowledged by the Highways Officer. However, widening works here are prevented by the adjacent buildings. Shropshire Council is actively promoting the construction of a signal controlled pedestrian crossing point in Dorrington Village in order to address the severance caused by the trunk road. The Highways Officer understands that the Highways Agency is looking to construct a crossing point on the A49 in the mid-term future. The Highways Officer has noted that as this is an outline application the exact internal site layout is to yet to be determined, however in principal the indicative layout provided appears to show an acceptable road layout and level of parking provision throughout the site. Accordingly, the highway authority raises no objection to the granting of consent subject to the attachment of a condition and informative.

6.4 Impact on local and residential amenities

6.4.1 The application has been submitted in outline form with the appearance, landscaping, layout and scale reserved for later approval. However, the indicative block plan illustrates that up to a maximum of 19 appropriately designed dwellings can be accommodated at an appropriate density without resulting in any loss of residential amenity to the properties in Falklands Road to the north. Concerns have also been raised about the retention of a cordon sanitaire (sanitary cordon) between the proposed dwellings and the sewerage treatment plant to the south. The amended block plan has retained a cordon sanitaire between the uses and the proposal has been assessed by the Council's Public Protection Officer who has

acknowledged that the plan shows that the proposed houses will not be built in close proximity to this installation and therefore this service is satisfied that noise does not need to be assessed. The Officer has noted that odour may be noted from time to time but this is not expected to have a significant detrimental effect on the occupiers of the proposed dwellings. Moreover, Severn Trent Water, the sewage works operators have been consulted and have no objection subject to the statutory protection afforded to sewage works being observed.

6.5 Surface Water Drainage and Flooding

6.5.1 The application site boundary has been reduced to below 1 hectare and a Flood Risk Assessment as originally requested by Shropshire Council Flood and Water Management is no longer required. The site is located outside of Flood Zones 2 and 3 within Flood Zone 1 which has a low probability of flooding and consultation with the Environment Agency is not required. The application has also been referred to Severn Trent Water who have no objection subject to the attachment of a condition requiring the submission of foul and surface water drainage details at reserved matters and an informative in respect of the statutory protection afforded to sewerage works. As such the attachment of these conditions and informative will ensure that the development integrates sustainable water management measures in order to reduce flood risk in accordance with the requirements of CS18.

7.0 CONCLUSION

7.1 It is appreciated that approving this development would be contrary to the Parish Councils site allocations for the village of Dorrington and would go against the ideals of 'localism'. However the NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date and that the priority is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of 'ribbon' development or elongate the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety. The detailed appearance, landscaping, layout and scale will be considered at the reserved matters stage.

7.2 The existing infrastructure is sufficient to support the proposed development and the proposal will provide local needs affordable housing and will be liable for the required CIL payment. It is considered that Dorrington is a sustainable location for a limited number of new houses (over and above that put forward by the Parish as part of SAMDev) due to its range of essential services and facilities and its proximity to Shrewsbury and Church Stretton with good access to all essential services and facilities without over reliance or long journeys by private motor car. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote '*strong, vibrant and healthy communities*'. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the

completion of a S106 Agreement to secure the provision of affordable housing in accordance with the Councils adopted policy.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of

being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS1 – Strategic Approach
CS2 – Shrewsbury Development Strategy
CS4 – Community Hubs and Community Clusters
CS5 – Countryside and Green Belt
CS6 – Sustainable Design and Development Principles
CS9 – Infrastructure Contributions
CS11 – Type and Affordability of Housing
CS17 – Environmental Networks
CS18 – Sustainable Water Management

SUPPLEMENTARY PLANNING DOCUMENTS

Type and Affordability of Housing
Sustainable Design (Part 1)

RELEVANT PLANNING HISTORY:

No relevant planning history.

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Tim Barker
Appendices APPENDIX 2 - Conditions

APPENDIX 2

Conditions

STANDARD CONDITION(S)

1. Details of the appearance, landscaping, layout and scale (herein after called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

The number of units
The means of enclosure of the site
The levels of the site
The means of access for disabled people
The drainage of the site
The finished floor levels

Reason: To ensure the development is of an appropriate standard.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. Prior to the commencement of the development, full engineering details of the new access road, existing highway works, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully implemented in accordance with the approved details prior to the occupation of any of the dwellings hereby approved.

Reason: In the interests of highway safety.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

6. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

7. A total of 4 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted as shown on a site plan.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species.

8. A total of 6 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site as shown on a site plan prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds

Informative(s)

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.
3. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.
4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

5. You are obliged to contact Shropshire Council's Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the residential unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://www.shropshire.gov.uk/streetnamingandnumbering>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
6. We note the inclusion of proposed adoptable roads and therefore if approved a s38 agreement under the Highways Act 1980 will be required with the local highway authority prior to the commencement of the works. The roads are to be designed in accordance with the Shropshire Specification for Estate Roads. The local highway authority will inspect the construction of the road to ensure compliance with the drawings and specification. Key Issues The local highway authority notes that the Highways Agency has no objection to the development gaining its access off Falkland Road, on to the adjacent A49 trunk road network. We support this statement and are also of the opinion that both the proposed local access off the existing Falkland Road turning head and the trunk road junction are sufficient for the additional traffic loading from the proposed development. The development will be connected to Dorrington Village via the existing footway on the east side of the A49. This footway does become narrow when entering the village, however widening works here are prevented by the adjacent buildings. Shropshire Council are actively promoting the construction of a signal controlled pedestrian crossing point in Dorrington Village in order to address the severance caused by the trunk road. We understand that the Highways Agency are looking to construct a crossing point on the A49 in the mid-term future. As this is an outline application the exact internal site layout is to yet to be determined, however in principal the indicative layout provided appears to show an acceptable road layout and level of parking provision throughout the site.
7. The applicant is reminded that confirmation of a Diversion Order for the public right of way shall be obtained prior to development being commenced. The commencement of development prior to such confirmation would be likely to lead to legal complications and/or possible infringement of existing public rights and thus conflict with other legislation.
8. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

9. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

10. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped
11. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

12. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.